

Montgomery

COUNTY, MD

Department of Liquor Control

Alcohol Compliance Check Program FY 2008 - FY 2009



Partners Include:

*Montgomery County Department of Liquor Control
Montgomery County Police Department
Montgomery County Sheriff's Department
Montgomery County State's Attorney*

KEEPING IT SAFE

The Montgomery County Department of Liquor Control, as a “control jurisdiction” facilitates the wholesale distribution of beer, wine and spirits to over 900 licensed establishments in the county. Along with the sale and distribution of a controlled substance comes a responsibility to educate and enforce alcohol laws and regulations to ensure the safety of county residents. The Division of Licensure, Regulation and Education runs a comprehensive compliance check program to keep businesses on track and uphold a standard of public safety. The following report details the processes, protocol and compliance check results for fiscal year 2008 and 2009.

What are Compliance Checks?

Recognizing that licensees are the first line of defense in reducing illegal alcohol sales, a compliance check program was developed to deter the sale of alcohol to youth under 21, to visibly intoxicated individuals, to minors through room service at hotels and motels and in kegs illegally registered.

Compliance Checks as a Multi-Agency Program

The regulation of licensed establishments is best done as a collaborative effort. The Department of Liquor Control, Montgomery County Police Department, Montgomery County Sheriff’s Office, Montgomery County State’s Attorney’s Office and local high school student volunteers all work to implement a comprehensive compliance check program addressing underage sales of alcohol and over service.

Department of Liquor Control Alcohol Inspectors and Police Officers conduct all compliance checks in tandem delivering both an administrative citation against the liquor licensee and a criminal citation to the individual seller for failed compliance. Joint efforts also ensure a fair and evenly distributed number of checks allowing the annual target of 600 compliance checks to be met without perpetual overlap. These enforcement initiatives have a direct impact on the counties alcohol related social issues through the maintenance of environmental protective factors.

Types of Compliance Checks

There are **4** types of compliance checks conducted:

- o A compliance check involving youth under the age of 20 using their own ID, attempting to purchase alcohol at a licensed establishment;
- o A compliance check involving youth under the age of 20 using their own ID, attempting to purchase alcohol through room service at a hotel or motel;
- o A compliance check involving enforcement specialists in plain clothes within a facility conducting surveillance for sales to visibly intoxicated patrons; and
- o A compliance check involving an enforcement specialist in plain clothes using their own ID, attempting to purchase a keg in order to witness the clerks keg registration policies.

Protocol

Maintenance of a consistent protocol is the basis of a successful compliance check program.

Each Under 21 Compliance Check team consists of at least one police officer, an Alcohol Inspector from the Department of Liquor Control and an underage volunteer or “UV”. UV’s are checked to ensure the only belongings on their person at the time of an attempted purchase is their own valid, underage ID, a cell phone for safety purposes and buy money provided by the Liquor Inspector. No age enhancements such as facial hair, provocative clothing, makeup or sun glasses are allowed at any time. UVs must interact directly with the seller/server and are not permitted engage in distracting behaviors such as talking on the phone. UVs take possession of the alcohol sold to them before an establishment is charged. UV’s attend an extensive training that includes detailed protocol as well as role playing.

All compliance checks follow this consistent procedure to ensure fairness and safety.

Compliance Check Preparation/Trainings

As needed, the Regulatory Office conducts a UV or Underage Volunteer training disseminating important information on protocol and expectations for the underage youth that pose as purchasers. New inspectors also attend this mandatory compliance check training.

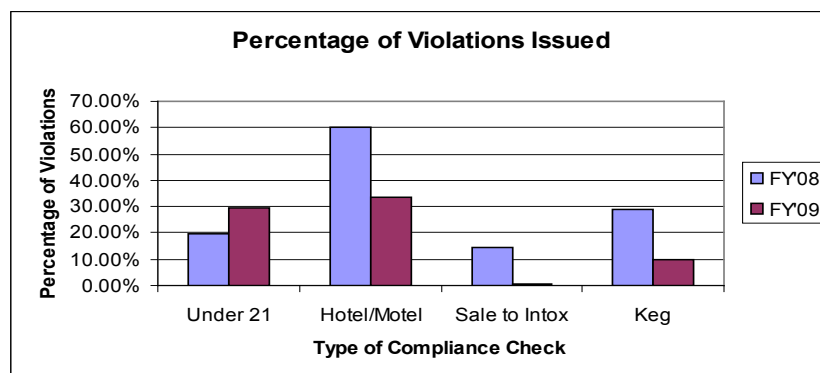
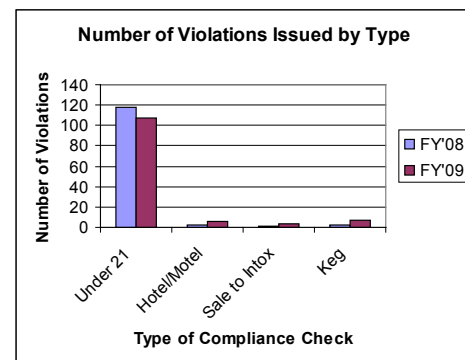
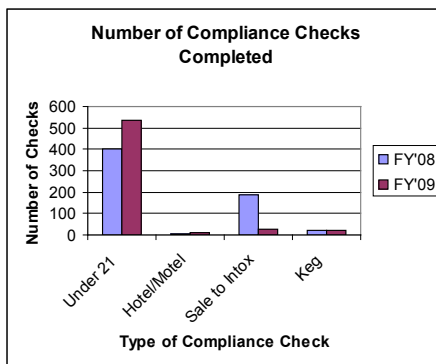
Although they are the primary intention, underage sales and over service are not the only violations yielded from compliance checks. On occasion offenses such as tampering, unapproved source of alcohol, lack of alcohol awareness training and other violations are identified during compliance checks.

As an ALERT class evaluation tool, a mystery shop program was set up to evaluate licensees who were recently cited for failing a compliance check and attended the Department of Liquor Control's free Alcohol Law and Regulatory Education Training (ALERT) class. Each licensed establishment visited was tested by a young person between the ages of 21-25 to see if their ID would be checked when purchasing alcohol, as taught by the ALERT class. One of three certificates were issued after the attempted alcohol purchase, a red certificate indicating that if the detail was a compliance check they would have been cited, a yellow certificate indicating they would not have been cited but additional staff training is needed in ID checking, or a green certificate, indicating a job well done. Out of thirty establishments, 26 received green notices and 4 received yellow. These results are considered very positive as they would have produced 100% compliance if they were actual compliance checks. Follow up letters will be sent to management.



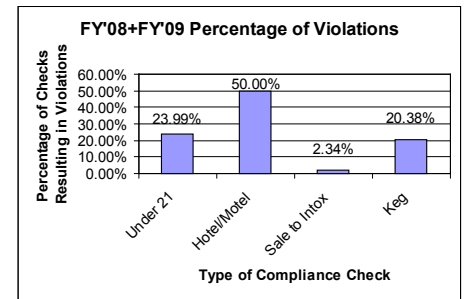
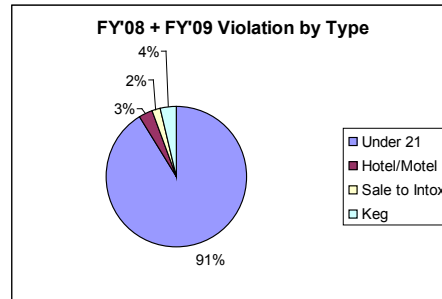
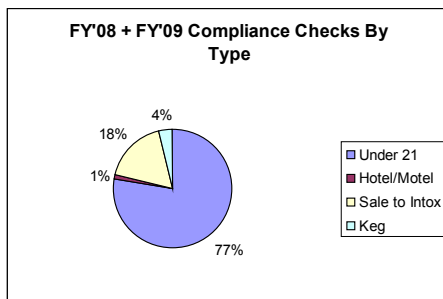
Outcomes

Comparative Compliance Check Data Fiscal Year 2009 vs. Fiscal Year 2008



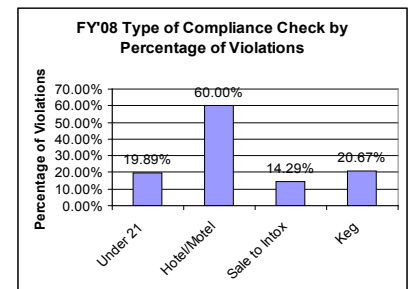
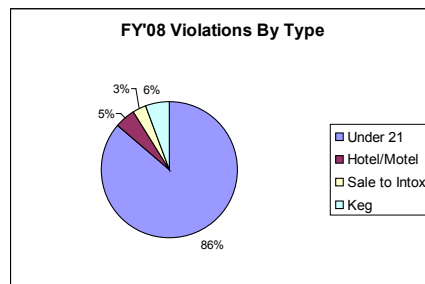
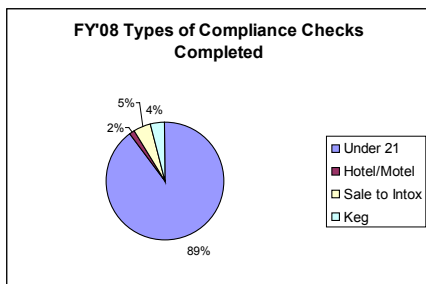
Combined 2008-2009 Compliance Check Results:

Compliance Checks for Underage Sales <i>(This includes both alcohol licensed establishments and room service at hotels)</i>	Number Checked	Number Sold	Compliance Rate
	954	233	76%
Complaint Driven Compliance Checks for Sales to Intoxicated Individuals	Number Checked	Number Sold	Compliance Rate
	214	5	98%
Compliance Checks for Keg Registration	Number Checked	Number Sold	Compliance Rate
	44	9	80%
Total Compliance Checks	Number Checked	Number Sold	Compliance Rate
	1212	247	80%



Fiscal Year 2008 Compliance Check Results:

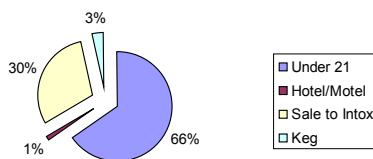
Compliance Checks for Underage Sales <i>(This includes both alcohol licensed establishments and room service at hotels)</i>	Number Checked	Number Sold	Compliance Rate
	548	113	80%
Complaint Driven Compliance Checks for Sales to Intoxicated Individuals	Number Checked	Number Sold	Compliance Rate
	24	7	71%
Compliance Checks for Keg Registration	Number Checked	Number Sold	Compliance Rate
	28	4	86%
Total Compliance Checks	Number Checked	Number Sold	Compliance Rate
	600	124	79%



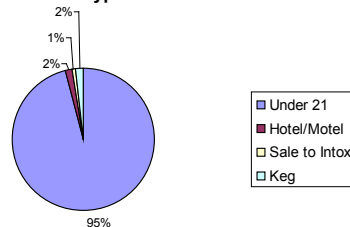
Fiscal Year 2009 Compliance Check Results:

Compliance Checks for Underage Sales <i>(This includes both alcohol licensed establishments and room service at hotels)</i>	Number Checked	Number Sold	Compliance Rate
	406	120	71%
Complaint Driven Compliance Checks for Sales to Intoxicated Individuals	Number Checked	Number Sold	Compliance Rate
	20	2	90%
Compliance Checks for Keg Registration	Number Checked	Number Sold	Compliance Rate
Violations: Sales to intoxicated individuals: 1 Record Violations: 3 After Hours: 7 Refill/Tampering: 2 Open Container: 2 No Alcohol Awareness: 3 No Food Available: 2 Unapproved Source: 3 Gambling: 2 Nudity/Sexual Display: 1	186	1	99%
Total Compliance Checks	Number Checked	Number Sold	Compliance Rate
	612	123	80%

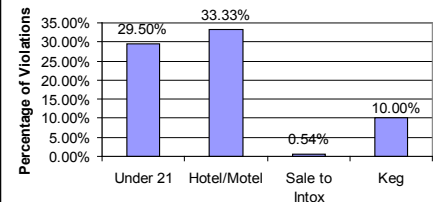
FY'09 Types of Compliance Check



FY'09 Types of Violations



FY'09 Percentage of Violations By Type of Compliance Check





Montgomery County Department of Liquor Control

Division of Licensure, Regulation and Education

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